

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

SKYE ASTIANA,

Plaintiff,

No. C 10-4387 PJH

v.

ORDER

BEN & JERRY'S HOMEMADE, INC.,

Defendant.

On October 25, 2013, defendant Ben & Jerry's Homemade, Inc. filed a declaration (Doc. 139) in support of plaintiff's administrative motion (Doc. 138) to seal portions of plaintiff's memorandum in opposition (Doc. 138-3) to defendant's motion to compel return of documents. Each of these documents carries a notation on the caption indicating that a hearing will be conducted by the undersigned on November 13, 2013 regarding the motion to compel return of documents.

Tracing back, the court notes that on October 10, 2013, defendant filed an "Errata" (Doc. 134) regarding a declaration by counsel (Doc. 129) in support of defendant's motion to compel return of documents; and that on October 9, 2013, defendant filed an administrative motion to seal (Doc. 128) documents cited in support of defendant's motion to compel return of documents. Attached to this administrative motion are numerous documents, including a declaration by counsel in support of the administrative motion to seal (Doc. 128-1), a proposed order granting the administrative motion to seal (Doc. 128-2), and a redacted version of the motion to compel return of documents (Doc. 128-3), plus declarations in support of the motion to compel. The motion to compel also indicates that it is to be heard by the undersigned on November 13, 2013.

1 The motion to compel return of documents is not properly noticed. A motion cannot
2 be noticed by attaching it to an administrative motion to seal documents. Moreover, this
3 appears to be a discovery matter – as the basis of the parties' dispute appears to be
4 whether the documents defendant seeks to have returned to it are or are not protected by
5 attorney-client privilege. This matter will be referred by separate order for assignment to a
6 Magistrate Judge for resolution of all discovery disputes.

7
8 **IT IS SO ORDERED.**

9 Dated: October 29, 2013



PHYLLIS J. HAMILTON
United States District Judge